

# SENATE BILL No. 1458

November 3, 2004, Introduced by Senators BIRKHOLZ, BRATER, ALLEN, BASHAM, McMANUS and JACOBS and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 14701, 14702, 14703, and 14705 (MCL  
324.14701, 324.14702, 324.14703, and 324.14705) and by amending  
the part heading for part 147 and by adding sections 14721,  
14722, 14723, and 14724.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### PART 147 ~~PCB COMPOUNDS~~ CHEMICAL SUBSTANCES

#### SUBPART 1 PCB COMPOUNDS

Sec. 14701. As used in this ~~part~~ subpart:

(a) "Department" means the department of environmental  
quality.

(b) ~~(a)~~ "PCB" means the class of chlorinated biphenyl,  
terphenyl, higher polyphenyl, or mixtures of these compounds  
produced by replacing 2 or more hydrogen atoms on the biphenyl,

1 terphenyl, or higher polyphenyl molecule with chlorine atoms.  
2 PCB does not include chlorinated biphenyls, terphenyls, higher  
3 polyphenyls, or mixtures of these compounds that have functional  
4 groups attached other than chlorine unless that functional group  
5 on the chlorinated biphenyls, terphenyls, higher polyphenyls, or  
6 mixtures of these compounds is determined to be dangerous to the  
7 public health, safety, and welfare under section 14703.

8 (c) ~~—(b)—~~ "Ppm" means parts per million.

9 Sec. 14702. The department is responsible for the  
10 administration and implementation of this ~~—part—~~ **subpart** to  
11 protect the public health, safety, and welfare from the toxic  
12 effects and environmental dangers of PCB. The department shall  
13 promulgate rules to implement and administer this ~~—part—~~  
14 **subpart**.

15 Sec. 14703. After receiving a recommendation by affirmative  
16 majority vote of a special committee consisting of a  
17 representative of the department, the director of ~~—commerce~~  
18 **labor and economic growth**, and the director of ~~—public—~~ **the**  
19 **department of community** health, the department shall by rule  
20 determine, within the concentrations prescribed by this ~~—part—~~  
21 **subpart**, whether the chlorinated biphenyls, terphenyls, higher  
22 polyphenyls, or mixtures of these compounds named in the  
23 recommendation and having certain functional groups in addition  
24 to chlorine attached to the molecule constitute a sufficient  
25 danger to the public health, safety, and welfare as to be  
26 regulated as a PCB by this ~~—part—~~ **subpart**.

27 Sec. 14705. ~~—(1)—~~ A person who violates this ~~—part—~~ **subpart**

1 or a rule promulgated under this ~~part~~ **subpart** is guilty of a  
2 misdemeanor ~~—~~ punishable by a fine of not less than \$2,500.00  
3 or more than \$25,000.00. ~~—(2)—~~ Each day that a violation of this  
4 ~~part~~ **subpart** or a rule promulgated under this ~~part~~ **subpart**  
5 continues shall be considered a separate violation.

6 **SUBPART 2 PBDE COMPOUNDS**

7 **Sec. 14721. As used in this subpart:**

8 (a) "Department" means the department of environmental  
9 quality.

10 (b) "Octa-BDE" means octabromodiphenyl ether.

11 (c) "PBDE" means polybrominated diphenyl ether.

12 (d) "Penta-BDE" means pentabromodiphenyl ether.

13 **Sec. 14722. (1)** Beginning June 1, 2006, a person shall not  
14 manufacture, process, or distribute a product or material that  
15 contains more than 1/10 of 1% of penta-BDE or octa-BDE.

16 (2) This section does not apply to the processing of  
17 recyclables containing penta-BDE or octa-BDE in compliance with  
18 applicable federal, state, and local laws.

19 **Sec. 14723.** The department may establish a PBDE advisory  
20 committee to assist the department in determining the risk posed  
21 by the release of PBDEs, other than penta-BDE or octa-BDE, to  
22 human health and the environment. The department shall use  
23 existing programs to monitor the presence of PBDEs in the state's  
24 environment to determine exposure and risk. If new scientific  
25 information gathered by the advisory committee indicates a  
26 significant risk to human health and the environment in the  
27 state, the department shall advise the legislature of the risk.

1       Sec. 14724. A person who violates this subpart is guilty of  
2 a misdemeanor punishable by a fine of not less than \$2,500.00 or  
3 more than \$25,000.00. Each day that a violation of this subpart  
4 continues shall be considered a separate violation.